APPEAL NO. 021998
FILED SEPTEMBER 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on July 8, 2002. The hearing officer determined that the respondent/cross-appellant's (claimant) _____, compensable injury includes a lumbar strain with radiculopathy, but does not include herniation at any level of the lumbar spine or depression; that the claimant's correct impairment rating (IR) is 21% pursuant to the Texas Workers' Compensation Commission (Commission)-appointed designated doctor's certification; and that the claimant is not entitled to supplemental income benefits (SIBs) for the first quarter. The appellant/cross-respondent (self-insured) appealed the hearing officer's determinations that the claimant's correct IR is 21% and that her _____, compensable injury includes a lumbar strain with radiculopathy. The claimant responded, urging affirmance of those determinations. The claimant appealed the hearing officer's determinations that her _____, compensable injury does not include herniation at any level of the lumbar spine or depression, and that she is not entitled to first quarter SIBs. The self-insured responded, urging affirmance of those determinations.

DECISION

Affirmed.

The designated doctor's IR report has presumptive weight and the Commission must base its determination of IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Section 408.125(e). The hearing officer did not err in giving the designated doctor's certification of IR presumptive weight, nor did he err in determining the extent-of-injury issue and that the claimant is not entitled to first quarter SIBs. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

LC
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Michael B. McShane
Appeals Judge

CONCUR:

_____
Thomas A. Knapp
Appeals Judge

_____
Philip F. O'Neill
Appeals Judge